

EXHIBIT 438

From: Millward, Joseph
Sent: Wed, 23 Sep 2015 09:52:37 -0400
To: 5103, Pharmacy Team Leader
Cc: Roahrig, Todd;Shaheen, Richard;Chunderlik, George;Millward, Joseph
Subject: RE: Daily HBC Suspicious Purchasing Report - 09/20/15

Forrest and Todd,

Please make sure that all pharmacists include the description of due diligence in the All Fills notes. All pharmacists should document their review of the Giant Eagle Controlled Substance Guidelines. This will serve as documentation of the ongoing retraining of our team members on the obligation to complete due diligence as part of their corresponding responsibility. Unusual prescribing patterns from physicians and unusual patient patterns are red flags that must be assessed. The facts used to determine the legitimacy of the prescription, and subsequent the decision to fill the prescription, should be documented in the prescription record. The facts will serve as evidence in the event of an inquiry by the DEA, State Board, or other regulatory agency.

Joe

-----Original Message-----

From: 5103, Pharmacy Team Leader
Sent: Wednesday, September 23, 2015 9:12 AM
To: Millward, Joseph
Cc: Roahrig, Todd
Subject: RE: Daily HBC Suspicious Purchasing Report - 09/20/15

Hi Joe,

We do have a number of patients of ARS who fill at this pharmacy and have called and verified rxs with the doctors at the north hills clinic in the past. I ran TX reports yesterday and looked into the patients and do see a spike in out of state rxs for these patients over the past couple months. Some of the out-of-state pts are cash, a few are insured through some sort of highmark medicaid plan.

Personally my general procedure for all new buprenorphine pts is to check the central file for a pt record, test insurance (or eligibility check if none provided), and then make the decision to fill if deemed appropriate. I believe new patients from ARS have been verified with the clinic or prescribing md.

However, considering these prescribing trends, the amount of buprenorphine dispensed, and the number of WV pts we seem to have picked up recently, I will stop accepting ANY out-of-state rxs for buprenorphine-containing products and will communicate that to my staff.

Thanks,
Forrest

From: Roahrig, Todd
Sent: Tuesday, September 22, 2015 10:09 AM
To: Millward, Joseph
Cc: 5103, Pharmacy Team Leader; Roahrig, Todd
Subject: RE: Daily HBC Suspicious Purchasing Report - 09/20/15

I spoke with Forrest, he does have several local, legit patients that are on this drug. They will continue to apply due diligence for those out of state patients, however, and cash only scripts and not fill those going forward...

He is aware he will be out of stock for remainder of the month

Forrest - please be sure to continue to call the clinic for documentation on hardcopy of scripts you do choose to fill - name, diagnosis, prognosis, etc... CYA

-----Original Message-----

From: Millward, Joseph
Sent: Monday, September 21, 2015 12:50 PM
To: Roahrig, Todd
Cc: Carlson, Gregory; Shaheen, Richard; McClune, Robert; Hart, Erin; Zakin, Adam
Subject: FW: Daily HBC Suspicious Purchasing Report - 09/20/15

Todd,

I need you to please investigate the buprenorphine ordering and dispensing at 5103. I believe that they are receiving and filling rx's for subutex for cash or discount card using West Virginia residents presenting prescriptions from A&R Health Services. Following their due diligence, pharmacists at other stores have refused to fill these seemingly questionable prescriptions.

I will work with the group at the office to stop buprenorphine shipments until you investigate the dispensing patterns.

If the prescriptions and subsequent purchase are determined to be suspicious, we will give notice to the DEA.

Joe

-----Original Message-----

From: Brad.Devine@giant eagle.com [<mailto:Brad.Devine@giant eagle.com>]
Sent: Monday, September 21, 2015 7:36 AM
To: Hughes, Nathan; Carlson, Gregory; Millward, Joseph; Chunderlik, George; Matty, Donna
Subject: Daily HBC Suspicious Purchasing Report - 09/20/15

We have had 2 pharmacies exceed the purchasing thresholds for certain controlled products so far this month.

Sunday, September 20, 2015

This report was generated on September 21, 2015 at 7:35:40 AM.

Brad Devine | Business Analyst Pharmacy | brad.devine@giant eagle.com | x22751